



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor(s): Andrew Louis WOLF et al.

Serial No.: 09/739,122

Filed: December 19, 2000

For: REAL ESTATE REBATE SYSTEM AND METHOD

PETITION TO MAKE SPECIAL

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The Applicants respectfully petition that the above-captioned application be granted special status. The requirement of MPEP section 708.2(VIII) are complied with as follows:

(1) Please charge the petition fee set forth in 37 CFR 1.17(i) to Deposit Account No. 19-4375.

(2) All pending claims (claims 1-28 as originally filed) of the present Application are believed to be directed to a single invention; if the Office determines that all claims presented are not obviously directed to a single invention, the Applicants agree to make an election without traverse as a prerequisite to the grant of special status.

(3) A preexamination search has been made, and Information Disclosure Statements directed thereto were filed on March 23, 2001 and May 7, 2001; also, the background art cited in the Background of the Invention section of the present application is

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discussed herein.

(4) One copy of each of the prior art deemed most closely related to the subject matter encompassed by the claims which is of record in the form of the art cited in the Information Disclosure Statements filed on March 23, 2001 and May 7, 2001.

(5) The following is a detailed discussion of the art cited in the Information Disclosure Statements filed on March 23, 2001 and May 7, 2001, pointing out how the instant claimed subject matter is patentably distinguishable thereover.

www.internest.com/xyz/test/incentiveregister.html is the inventors' limited proof-of-concept implementation of a business model incorporating a self-service rebate coupon and eliminating the real estate agent in the field. A potential buyer can search this Web site's listings by selecting builder/area and subdivision from fixed lists provided by the web site. The buyer can request a self-service rebate coupon for a single property and then the rebate coupon for this single property is delivered either by e-mail or U.S. mail. Only builders of newly constructed homes are signed-up in advance to be included in the fixed list of builder/area properties provided by this prior art Web site. The host of the Web site is paid a fee by the builder after a sale is close from which the host funds the rebate to the buyer.

By contrast, both the system of the invention of claim 1 and the method of the invention of claim 17 provide hosted access to listing inventory databases of any type of real estate property, including but

not limited to new construction, wherein the listing inventory can be created by the sellers who access the host over a communications network. Further, potential buyers are provided with one or more listed properties which match their selection criteria rather than just a single matching property chosen from a predetermined Builder/Area listing. And, rebate coupons can be delivered to the potential buyer over a communications network and preprinted rebate coupons presented by a potential buyer can be validated by the host over a communications network in the invention of claims 1 and 19.

The US '636 reference discloses a hosted system and method for automatically matching sellers of real estate, businesses, and other property with potential buyers through a communications network, preferably the Internet. Information is submitted to a host system by sellers, checked by the host system and recorded in a database by the host. Once the seller has paid a fee up-front, the property is listed by the host. Property listings are accessed at the host by potential buyers using a communications network. Potential buyers provide selection criteria to be matched by the system with stored property characteristics stored in the host's database. Three types of searchable records are maintained by the host: seller, buyer, and property characteristics.

US '514 teaches a hosted system for shopping for goods and services, including real estate, in which buyers and sellers are connected via communications links to a host system for searching for products in goods and services databases provided by the host. For

each instance of product/service presentation, the customer must make some kind of payment to the host, e.g., the customer must view a specified amount of advertising in the form of product information or pay a set fee per product viewed. Any host-imposed fee can be offset by a host-sponsored coupon, rebate or voucher for free goods and services or an equivalent or a partial discount. Access to a knowledgeable sales representative is also provided by the host.

By contrast to the above art, the invention of independent claim 1 defines a host system for selectively providing self-service real estate rebate coupons to potential buyers of real property wherein the host system comprises, *inter alia*, remote communications facilities having computer input-output means for buyers to access the host without charge to specify selection criteria for searching host-provided real estate listing inventory databases and receive a self-service rebate coupon for at least one property corresponding to the selection criteria or for buyers to register preprinted self-service real estate rebate coupons clipped from a print medium and receive an approval code. Further, the invention of independent claim 1 provides remote communications facilities as described above which enable sellers to perform without an up-front charge at least one of: signing up properties to be listed by the host, agreeing to accept real estate rebate coupons, and agreeing to fund a commission to the host for sale of a listed real property corresponding to a self-service rebate coupon as well as to fund the rebate. The invention of claim 8 extends the inventory listing of the invention of independent claim 1 so that a

potential buyer can access third-party remote listing inventory databases.

The invention of independent claim 17 provides a method of automatically generating and issuing self-service real estate rebate coupons to potential buyers through a communications network by a host that, *inter alia*, signs up sellers to pay a commission to the host or other seller of a listed property, obtains a listing inventory of real property to be sold with a buyer rebate funded by the host, provides remotely accessing users the ability to specify selection criteria for searching the listing inventory, and processes rebate coupons. The invention of claim 19 extends the processing of rebate coupons of the method of the invention of claim 17 to include preprinted and self-service rebate coupons clipped from print media and the invention of claim 27 extends the inventory listing of the invention of claim 17 so that a potential buyer can access third-party remote listing inventory databases.

Both US '636 and US '514 fail to teach or suggest a system and method for a host to provide and process buyer self-service real estate rebate coupons wherein rebates are funded by sellers and the system and method are provided in combination with a search system for locating properties which meet a buyer's selection criteria in host-provided as well as third party listing inventory databases.

Web-based, Internet-accessible, reduced fee real estate buyer services which offer various types of buyer incentives funded as rebates from the selling agent's commission are provided by

HomeFox.com, eHome.com and zipRealty.com. RealEstateRebates.com is a referral service that offers both buyers and sellers help in finding agents that offer rebates and discounts and pre-qualifies agents in different parts of the country for participation in its referral services.

None of these Web sites comprising prior art real estate rebate models provides and processes rebate coupons to a buyer that are funded by a seller as do the inventions of independent claims 1 and 17. All of these Web-based prior art real estate rebate programs sign up real estate agents in advance and fund rebates by assessing the agent and not the seller a fee, either up front or at some time during the processing of a real estate property purchase. This is in contrast to the inventions of independent claims 1 and 17 wherein the agent is eliminated and the seller funds commissions to the host and the host processes buyer rebate coupons.

US '634 describes a system for delivering printable graphical images of purchase incentives, i.e., coupons and tokens, to buyers over a computer network. Sellers are signed-up in advance and agree to accept the purchase incentives when presented at the time of a purchase.

US '660 discloses a system and method both for sellers to provide prepackaged or seller-customized buyer incentive programs over a computer network. A database of buyer profiles is maintained.

US '971 discloses a system and method for targeting different types of coupons to specific buyer audiences using a computer network.

Coupons may be delivered via e-mail, regular mail, downloaded, or by other means.

Couponing, as described in US '634, '660, and '971 is a highly successful marketing technique. It is self-service and economically efficient.

In the inventions of independent claims 1 and 17 there is no real estate agent in the field. The seller funds a commission to the host for directly providing candidate properties to a potential buyer based on buyer-provided selection criteria, and the host processes buyer rebate coupons for each property selected by the buyer. Alternatively, a buyer presents a preprinted real estate rebate coupon clipped from a print media and the inventions of claims 1 and 19 validate this coupon for the associated property.

The prior art business model for buying real estate property has militated against seller-funded couponing directly to buyers in the real estate industry by requiring a real estate agent in the field as a middleman who filters available properties according to buyer-provided selection criteria, who escorts buyers on tours of selected properties, and who collects a fee from the seller on closing. The inventions of claims 1 and 17 eliminate this middleman in direct opposition to the prevailing real estate buyer business model, by providing and processing a seller-funded rebate incentive directly to the buyer in the form of a self-service rebate coupon. Thus, there would have been no motivation to combine the prior art couponing systems and methods with the prior art real estate matching systems to

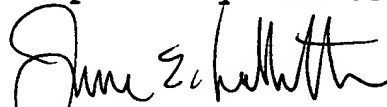
provide seller-funded rebate coupons directly to buyers as in the inventions of claims 1 and 17.

It is clear that the admitted prior art, alone or in combination, fail to disclose or suggest the present claimed subject matter.

Therefore, in light of the foregoing discussion pointing out how the claimed invention distinguishes over the admitted prior art of record, the Applicants respectfully submit that the inventions of each of the independent claims and the claims dependent therefrom are not anticipated by the admitted prior art and would not have been obvious over any combination thereof.

Grant of special status in accordance with this petition is respectfully requested.

Respectfully submitted,



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JEL/NOW/att

Attorney Docket No. L3472.00101

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